

Office of the Clerk

United States District Court

Eastern District of Missouri  
111 S. Tenth Street  
St. Louis, Missouri 63102

OFFICIAL BUSINESS

AUG 26 2024

BY MAIL



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AUG 26 2024

**BY MAIL**

David Lettieri  
Niagara County Jail  
5526 Niagara St Ext  
Lockport, NY 14095

**United States District Court**

Eastern District of Missouri  
Thomas F. Eagleton Courthouse  
111 South 10th Street  
St. Louis, MO 63102

*Nathan M. Graves  
Clerk of Court*

314-244-7900

August 5, 2024.

DAVID LETTIERI  
Niagara County Jail  
5526 Niagara St Ext  
Lockport, NY 14095

RE: Lettieri v. Olivette Products  
4:24-CV-00479-MTS

Dear Sir or Madam:

Enclosed please find the judgment of the Court in the above styled matter.

If you want to appeal this judgment, you must file a notice in accordance with the Federal Rules of Appellate Procedure. Additionally, you must do one of the following.

1. immediately pay the full \$605 filing and docketing fees for the appeal to this Office,  
**or**
2. obtain permission from the Court to file the appeal in forma pauperis, make an initial partial payment of the filing and docketing fees, and then pay the remainder of the fees on an installment basis.

**These provisions apply even if you were allowed to file the complaint in this case in forma pauperis.** In forma pauperis status does not carry over to the appeal. Before an appeal can be processed, you must select and follow through on one of the above listed steps.

If you elect to immediately pay the full fees, please submit a money order, check, or cash in the amount of \$605 with your notice of appeal to this Office. Checks and money orders are to be made payable to "Clerk of the United States District Court."

If you choose to proceed in forma pauperis and want permission to pay the fees with an initial partial payment and subsequent monthly installment payments, you must do all of the following at the time you file your notice of appeal:

1. complete and submit the enclosed motion for leave to appeal in forma pauperis and affidavit in support, and
2. provide a certified copy of your prison account statement for the last 6 months.

If you fail to send the required motion and affidavit in support, and a certified copy of your prison account statement, the Court will deny you leave to proceed in forma pauperis on appeal.

**If you are granted leave to appeal in forma pauperis, the Court will assess an initial partial filing fee.** The initial partial payment will be in the amount which is 20% of the greater of:

(a) the average of the monthly deposits into your trust account during the last six months,

**or**

(b) the average of the monthly balance of your trust account during the past six months.

You will then be liable for payment of the balance of the \$605 filing and docketing fees in monthly installments.

If you choose to file an appeal, you must comply with these directions. If you have any questions please contact this Office.

Sincerely,

Nathan M. Graves /  
Clerk of Court

By: /s/ Kinica Davis /  
KINICA DAVIS  
Deputy Clerk

Enclosure(s)

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

DAVID LETTIERI, )  
 )  
 Plaintiff(s), )  
 )  
 v. ) No. 4:24-CV-00479-MTS  
 )  
 OLIVETTE PRODUCTS, )  
 )  
 Defendant(s). )

**MOTION TO PROCEED IN FORMA PAUPERIS ON APPEAL AND AFFIDAVIT IN  
SUPPORT - PRISONER CASES**

I, \_\_\_\_\_ declare (1) that I am the \_\_\_\_\_ in this case; (2) that because of my poverty, I am unable to pay the \$605 filing and docketing fees for filing an appeal; and (3) that I believe I am entitled to relief. The nature of my appeal and the issues are briefly stated as follows:

In further support of this application, I answer the following questions:

1. Have you ever before brought an action or appeal in a federal court while you were incarcerated or detained?

Yes    No   

If so, how many times?

Were any of the actions or appeals dismissed because they were frivolous, malicious, or failed to state a claim upon which relief may be granted?

Yes    No   

If so, how many of them?

2. Place of confinement of plaintiff or petitioner:

3. Crime(s) for which you have been convicted, date and sentence on each:

4. Are you presently employed? Yes  No

a. If the answer is "yes," state the amount of your salary or wages per month, and give the name and address of your employer.

b. If the answer is "no," state the date of last employment and the amount of the salary and wages per month which you received.

5. Have you received, within the past twelve (12) months, money from any of the following sources?

Yes  No  Business, profession or form of self-employment?

Yes  No  Rent payments, interest or dividends?

Yes  No  Pensions, annuities or life insurance payments?

Yes  No  Gifts or inheritances?

Yes  No  Any other sources?

If the answer to any of the above is "yes," describe the source and amount of money received from each during the past twelve (12) months.

6. Do you own any cash, or do you have money in a checking or savings account? Include any funds in prison accounts during the last six (6) months. Yes  No  months.

If the answer is "yes," state the total amount of cash owned, and the average monthly balance in all checking, savings or prison account during the last six (6) months.

7. Do you own real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? Yes  No

If the answer is "yes," describe the property and state its approximate value.

8. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support.

I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. I UNDERSTAND THAT PROVIDING FALSE INFORMATION MAY SUBJECT ME TO CRIMINAL PROSECUTION, IMPOSITION OF A FINE, OR OTHER SANCTION THAT MAY ADVERSELY AFFECT MY ABILITY TO PURSUE THIS CASE OR OTHER CASES. I HAVE REVIEWED MY ANSWERS TO INSURE THEIR ACCURACY.

Executed (signed) this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

---

(Signature of plaintiff)

NOTE: THIS AFFIDAVIT MUST BE ACCCOMPANIED BY A **CERTIFIED** COPY OF YOUR PRISON ACCOUNT STATEMENT SHOWING THE AMOUNT OF MONEY ON DEPOSIT DURING THE LAST SIX (6) MONTHS. A "CERTIFIED COPY" OF YOUR ACCOUNT STATEMENT IS ONE THAT HAS BEEN CERTIFIED BY AN AUTHORIZED PRISON OFFICER THAT IT IS A TRUE AND CORRECT COPY. FAILURE TO SUBMIT A CERTIFIED ACCOUNT STATEMENT WILL RESULT IN THE DENIAL OF YOUR MOTION TO PROCEED IN FORMA PAUPERIS ON APPEAL.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

**NOTICE OF APPEAL**

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

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(Signature of plaintiff(s))

IME-Version:1.0  
From:Moed\_AutoSend@moed.uscourts.gov

To:MOED\_ECF\_Notification@moed.uscourts.gov

Case Participants: District Judge Matthew T. Schelp (matthew\_schelp@moed.uscourts.gov, moed\_mts\_notifications@moed.uscourts.gov, susan\_reynolds@moed.uscourts.gov)

Non Case Participants:

No Notice Sent:

Message-Id:<10984805@moed.uscourts.gov>

Subject:Activity in Case 4:24-cv-00479-MTS Lettieri v. Olivette Products Letter

re:FRAP

Content-Type: text/plain

This is an automatic e-mail message generated by the CM/ECF system.

Please DO NOT RESPOND to this e-mail because the mail box is unattended.

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U.S. District Court  
Eastern District of Missouri

Notice of Electronic Filing

The following transaction was entered on 8/6/2024 10:46 AM CDT and filed on 8/6/2024

Case Name: Lettieri v. Olivette Products

Case Number: 4:24-cv-00479-MTS <https://ecf.moed.uscourts.gov/cgi-bin/DktRpt.pl?210893>

Filer:

WARNING: CASE CLOSED on 08/05/2024

Document Number: 14

Copy the URL address from the line below into the location bar of your Web browser to view the document:

[https://ecf.moed.uscourts.gov/doc1/107111634104?caseid=210893&de\\_seq\\_num=60&mag=c\\_num=MAGIC](https://ecf.moed.uscourts.gov/doc1/107111634104?caseid=210893&de_seq_num=60&mag=c_num=MAGIC)

Docket Text:

Letter from Clerk sent to pro-se prisoner

re:FRAP - all procedures for filing Notice of Appeal (copy of motion to proceed IIP on appeal attached and mailed) (KCD)

4:24-cv-00479-MTS Notice has been electronically mailed to:

4:24-cv-00479-MTS Notice has been delivered by other means to:

David Lettieri  
Niagara County Jail  
526 Niagara St Ext  
Lockport, NY 14095

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: n/a

Electronic document Stamp:

[STAMP dcecfStamp\_ID=1037221849 [Date=8/6/2024] [FileNumber=10984804-0]  
903bdala91ebba2de0ece707c515c8792f446787f95c467d7b4daf1787730058234bd3e6d3d99d